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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. 4-05-70138 WDB
	)	
Plaintiff,	)	STIPULATION AND ORDER FOR
	)	CONTINUANCE, EXTENSION OF TIME
v.	)	TO CONDUCT PRELIMINARY
	)	HEARING UPON DEFENDANT'S
ARTUR ROBER ROGOWICZ,	)	CONSENT UNDER RULE 5.1(d), AND
	)	EXCLUSION OF TIME UNDER THE
Defendant.	)	SPEEDY TRIAL ACT, 18 U.S.C. § 3161
	)	<u>ET SEQ.</u>

Plaintiff United States of America, by and through its counsel of record Assistant United States Attorney Deborah R. Douglas, and defendant Artur Rober Rogowicz ("defendant"), by and through his counsel of record Alan A. Dressler, Esq., hereby stipulate as follows:

1. On February 25, 2005, an arrest warrant was issued based upon a criminal complaint charging defendant with knowingly distributing MDMA (ecstasy), in violation of 21 U.S.C. § 841(a)(1). On March 5, 2009, defendant was initially presented on the criminal complaint, and time under the Speedy Trial Act, 18 U.S.C. § 3161 et seq., was excluded from March 5, 2009 through March 10, 2009. On March 10, 2009, the parties agreed that defendant should be released on a \$150,000 bond signed by a surety. Defendant waived the timing of the preliminary hearing and agreed to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161 et seq., from

STIPULATION AND ORDER

1 March 10, 2009 through April 21, 2009. With defendant's consent and upon a showing of good  
2 cause, this Court extended the time limit for a preliminary hearing under Rule 5.1(d) and excluded  
3 time under the Speedy Trial Act from March 10, 2009 through April 21, 2009.

4 2. The parties stipulate and request that this matter be continued from Tuesday, April 21,  
5 2009, to Tuesday, May 26, 2009, at 10 a.m. to allow the parties to explore the factual and legal  
6 issues in this case and any interest of justice factors that may be considered in resolving this matter  
7 without the necessity of a preliminary hearing or indictment. The parties believe that the granting  
8 of additional time as requested will expedite the resolution of this matter, conserve judicial  
9 resources, and benefit both the defendant and the government in reaching a fair and appropriate  
10 disposition of this case.

11 3. For the foregoing reasons, the parties stipulate and agree that good cause exists to  
12 extend the time limit for conducting a preliminary hearing or arraignment on an indictment or  
13 information from April 21, 2009 to May 26, 2009 under Rule 5.1(d) of the Rules of Criminal  
14 Procedure. The parties therefore stipulate and agree that the time from April 21, 2009 through  
15 May 26, 2009 should be excluded in computing the time within which an information or indictment  
16 must be filed pursuant to 18 U.S.C. §§ 3161(b) and (h). The parties further agree that the ends of  
17 justice served by the continuance requested outweigh the best interests of the public and the  
18 defendant in a speedy trial because the failure to grant such a continuance would unreasonably deny  
19 the defendant adequate time to prepare, taking into account the exercise of due diligence, under the  
20 Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv). The parties therefore stipulate and agree  
21 that the time from April 21, 2009 through May 26, 2009 should be excluded under the Speedy Trial  
22 Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

23 Dated: April 15, 2009

24 /s/  
DEBORAH R. DOUGLAS  
Assistant United States Attorney

25  
26 Dated: April 15, 2009

27 /s/  
ALAN A. DRESSLER, Esq.  
Attorney for Defendant

28  
STIPULATION AND ORDER

ORDER

With the defendant's consent and upon a showing of GOOD CAUSE as set forth in the stipulation of the parties above, taking into account the public interest in the prompt disposition of this matter, the Court hereby extends the time limit for conducting a preliminary hearing from April 21, 2009 to May 26, 2009, at 10 a.m., pursuant to Rule 5.1(d) of the Rules of Criminal Procedure.

This Court further finds that the ends of justice served by granting of the requested continuance to May 26, 2009 outweigh the best interests of the public and the defendant in a speedy trial, and that the failure to grant the requested continuance would deny defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C.

§ 3161(h)(7)(A) and (B)(iv).

Based on these findings, IT IS HEREBY ORDERED THAT this matter, currently scheduled for April 21, 2009, shall be continued to May 26, 2009 at 10 a.m. for a preliminary hearing or arraignment on an information or indictment, and that the time from April 21, 2009 through May 26, 2009 shall be excluded in computing the time within which an information or an indictment must be filed pursuant to 18 U.S.C. §§ 3161(b) and (h). IT IS FURTHER ORDERED that the time from April 21, 2009 through May 26, 2009 shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

Dated: April 20, 2009

  
HONORABLE WAYNE D. BRAZIL  
United States Magistrate Judge

STIPULATION AND ORDER